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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,692	07/27/2006	Segen Farid Estefen	10008.011	7041

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Fildes & Outland
20916 Mack Avenue, Ste. 2
Grosse Pointe Woods, MI 48236

EXAMINER

JETTON, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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3748

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/587,692	Applicant(s) ESTEFEN ET AL.	
	Examiner CHRISTOPHER JETTON	Art Unit 3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2011 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by **Wright (US 589,520)**.

Regarding claim 5, Wright (Fig 1-3) discloses a wave energy plant for electricity generation, said plant comprising: a fixed structure (K); a float (U); a generally horizontally disposed mechanical arm (L, L') having an end (p') connected to said float (U); said mechanical arm having an opposite end (p) articulately connected to said fixed structure (Fig 3); a hydraulic pump (P) for pumping water, said hydraulic pump being actuated by said mechanical arm; a hyperbaric chamber (T) having an inlet in fluid communication (N) with said hydraulic pump and an outlet, said hyperbaric chamber storing pressurized water delivered by said hydraulic pump; a turbine (W; a Pelton water-wheel is classified as a water turbine) in fluid communication with said hyperbaric chamber outlet (Lines 70-75); an electric generator connected to said turbine (Lines 41-45); whereby pressurized water is supplied to said turbine through said hyperbaric chamber outlet to drive said turbine and to generate electricity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Wright (US 589,520) in view Berg (US 4,792,290)**.

Regarding claim 6, Wright fails to disclose the hyperbaric chamber contains one selected from a group consisting of a mixture including water and nitrogen gas and a mixture including water and air.

However, Berg teaches a hyperbaric chamber contains a mixture including water and air (Col 7 Lines 34-38).

It would have been obvious to one of ordinary skill in the art to modify Wright's invention with the water and air taught by Berg since a particular known technique was recognized as part of the ordinary capabilities of one skilled in the art. One of ordinary skill would have been capable of applying this known technique to a known device that was ready for improvement and the results would have been predictable.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wright (US 589,520) in view Krambrock (US 5,397,062)**.

Regarding claims 7 and 8, Wright fails to disclose an outflow regulating valve.

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However, Krambrock (Fig 1 & 2) teaches an outflow regulating valve comprising a main body (22); an outflow adjustment needle (26) moveable in said main body; a valve distance adjustment ring (28) disposed around said main body; a valve setting main structure connected to said main body (18, 19); and a mechanical set for outflow fine adjustment including moveable claws (8, 9) cooperable with said outflow adjustment needle; wherein said outflow regulating valve outputs water at a high pressure and low flow rate (Col 5 Lines 1-17).

It would have been obvious to one of ordinary skill in the art to modify Wright's invention with the valve taught by Krambrock since all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results.

Response to Arguments

Applicant's arguments with respect to claims 5-8 have been considered but are moot in view of the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hagen (US 616615), Casey (US 3603804), Diggs (US 4013382), Buonome (US 4454429), Palani (US 4462762), Tzong et al (US 5186822).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER JETTON whose telephone number is (571)270-7108. The examiner can normally be reached on Monday through Friday, 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571)272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTOPHER JETTON/
Examiner, Art Unit 3748

/Thomas E. Denion/
Supervisory Patent Examiner, Art Unit 3748